



COUNCIL MINUTES

for the meeting

Tuesday 8 October 2019

in the Council Chamber,
Adelaide Town Hall



Present –

Members - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);
Councillors Abrahamzadeh, Couros, Donovan, Hou, Khera, Knoll, Martin,
Moran and Simms.

Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor stated:

‘Council acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

Acknowledgement of Colonel William Light

The Lord Mayor stated:

‘The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six (6) squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia’s planning heritage.’

Apologies and Leave of Absence

On Leave:

Deputy Lord Mayor (Councillor Abiad)

Apology

Councillor Hyde

Confirmation of Minutes

1. **Item 4 - Confirmation of Minutes – 24/9/2019 [C]**

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Simms –

That the Minutes of the meeting of the Council held on 24 September 2019, be taken as read and be confirmed as an accurate record of proceedings.

Carried

Deputation

2. **Item 5.1 - Deputation - Mr Mark Henley and Mr Simon Shrapel – Motion by Councillor Simms - Opposing Note Acceptor Pokie Machines [C]**

Mr Mark Henley and Mr Simon Shrapel addressed the Council to:

- Speak in favour of Councillor Simms’ Motion on Notice regarding Note Acceptors on poker machines.

The Lord Mayor thanked Mr Mark Henley and Mr Simon Shrapel for their presentation.

Petitions

3. Item 6.1 - Petition – Removal of Trees on North Terrace [2018/04073]

Moved by Councillor Simms,
Seconded by Councillor Moran –

THAT COUNCIL

1. Notes the petition containing 103 signatories, distributed as a separate document to Item 6.1 on the Agenda for the meeting of the Council held on 8 October 2019 in relation to the removal of trees on North Terrace.

Discussion ensued

The motion was then put and carried

Report of The Committee and Advice/Recommendation from Other Committees

4. Item 7.1 - Recommendations of The Committee – 1/10/2019 [2018/04062] [C]

The Lord Mayor advised the meeting that each recommendation would be dealt with separately.

It was then -

Moved by Councillor Martin,
Seconded by Councillor Knoll -

Recommendation 1 - City of Adelaide Annual Report 2018-19 [2019/02034]

That Council:

1. Adopts the City of Adelaide Annual Report 2018-19 as included in Attachment A to Item 5.1 on the Agenda for the meeting of The Committee held on 1 October 2019.
2. Authorises the Chief Executive Officer to make any necessary amendments of a minor nature to the adopted Annual Report that do not change the substantive tone or message of the adopted report.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Martin,
Seconded by Councillor Abrahamzadeh -

Recommendation 2 - Adelaide Airport Preliminary Draft Master Plan 2019 [2001/07446]

That Council:

1. Endorses Attachment A (Response to the Adelaide Airport Preliminary Master Plan 2019) to Item 5.2 on the Agenda for the meeting of The Committee held on 1 October 2019.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

Recommendation 3 – Significant Tree Removal (retrospective) in Pelzer Park/Pityarilla (Park 19) [2002/00457]

That Council:

1. Approves in its capacity as having care and control of the land, the retrospective removal of one Eucalyptus Cladocalyx (Sugar Gum) located in Tarntanya Wama (Park 19) as provided in Attachment A to Item 5.3 on the Agenda for the meeting of The Committee held on 1 October 2019.

Carried

It was then -

Moved by Councillor Donovan,
Seconded by Councillor Abrahamzadeh –

Recommendation 4 - Flinders Street Pedestrian Crossing Improvements [2019/01860]

That Council:

1. Authorises the Chief Executive Officer, subject to the final route of the East – West Bikeway being approved by Council, to prepare detailed design and cost estimation for kerb extensions on Flinders Street adjacent Pilgrim Lane for the further consideration of Council. Funds will be requested as part of the 2020/21 Integrated Business Plan and Budget.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Donovan –

Recommendation 5 - North Terrace/George Street Cyclist Safety Measures [2019/01811]

That Council:

1. Authorises the Chief Executive Officer to prepare detailed design and cost estimation for a bicycle hook turn and western pedestrian crossing at the intersection of North Terrace and George Street for Council's further consideration. Funds will be requested as part of the 2020/21 Integrated Business Plan and Budget.

Discussion ensued

The motion was then put and carried

It was then -

Moved by Councillor Abrahamzadeh,
Seconded by Councillor Knoll –

Recommendation 6 - Sanitising Strategy to Alleviate Asthma [2018/04053]

That Council:

1. Notes the current street cleansing service levels as the formal sanitisation strategy for the management of pollen in the City of Adelaide.
2. Will investigate the implications of increasing the leaf fall and pollen season sanitisation of the following streets, Pulteney Street South, Hutt Street and Frome Street, from two to four per week.
3. Notes that we will continue to monitor customer requests and complaints within the next 6 months in order to further determine the significance of the pollen issue within the City and the potential need for further detailed research and risk assessment.

Carried

It was then -

Moved by Councillor Hou,
Seconded by Councillor Simms –

Recommendation 7 - International Ambassador Program [2019/01690]

That Council:

1. Notes the report.
2. Approves the pilot program in which the City of Adelaide hosts information sessions for interested people in the Adelaide community that are doing business internationally to leverage their networks and accelerate city growth.

Discussion ensued

The motion was then put and carried

Reports for Council (Chief Executive Officer's Reports)

5. **Item 8.1 - Brown Hill and Keswick Creeks Stormwater Board - Board Member Appointment [2018/02437] [C]**

Moved by Councillor Moran,
Seconded by Councillor Martin –

That Council:

1. Notes the recommendation from the Nominations Committee for the Brown Hill and Keswick Creeks Stormwater Board to re-appoint Mr. Geoff Vogt as a member of the Board for a term of three year term (expiring 2 August 2022).
2. Approves the re-appointment of Mr. Geoff Vogt as a member of the Board for a term of three year term (expiring 2 August 2022).
3. Notes that this matter will be considered by the five Constituent Councils and should one or more constituent councils not be in agreement, the matter will be referred back to the Nominations Committee for consideration.

Carried

Questions on Notice

6. **Item 9.1 - Councillor Simms – Question on Notice – Destruction of Trees [C]**

Councillor Simms withdrew his Question on Notice

Questions without Notice

Discussion ensued, during which:

▪ CEO Undertaking – North Adelaide Parking Trial [C]

In response to queries from Councillor Martin, an undertaking was given to provide Members with an update on the North Adelaide Parking Trial, the effect of the recent rescission motion and the street by street consultation process.

Motions on Notice

7. **Item 11.1 – Councillor Simms – Motion on Notice – Amendment to Standing Orders to increase the accountability of Council to the community [2017/03262] [C]**

Moved by Councillor Simms,
Seconded by Councillor Moran -

That:

Council add a new standing order to allow questions on or without notice from the public such that:

- (1) A member of the public may submit a question on notice giving the Chief Executive Officer written notice of the question at least 5 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given the Chief Executive Officer will consider and place on the agenda for the meeting at which the question is to be asked with the question and reply entered in the minutes of the relevant meeting.
- (3) A member of the public may also ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.
- (7) A member of the public who asks a question on or without notice must begin by stating their name, the suburb in which they live and any organisation or business they are representing.

- (8) A member of the public may direct their question with or without notice to the Lord Mayor or a Councillor. The Lord Mayor or Councillor shall be given the opportunity to respond, subject to the clauses above.
- (9) A Councillor responding to a question on or without notice will make it clear that it is their personal opinion only as the Lord Mayor is the principal spokesperson for Council.
- (10) A person asking a question will not speak for more than three minutes, with an additional two minutes available with leave of the meeting.

Much discussion ensued, during which with the consent of the mover, the seconder and the meeting the motion was varied to include two additional parts 11 and 12 to read as follows:

- '(11) That a maximum of three questions be allowed per meeting with preference given to written questions on notice
- (12) The new Standing Order to be reviewed by Council in March 2020.'

Councillor Moran then requested that a division be taken on the motion

Division

For (4):

Councillors, Donovan, Martin, Moran and Simms

Against (5):

Councillors Abrahamzadeh, Couros, Hou, Khera and Knoll

The division was declared against the motion

8. Item 11.2 – Councillor Simms – Motion on Notice – Opposing Note Acceptor Pokie Machines [2019/01425] [C]

Moved by Councillor Simms,
Seconded by Councillor Moran -

That Council:

1. Notes that 13-19 October 2019 is Anti-Poverty Week which aims to strengthen public understanding of the causes and consequences of poverty in Australia and internationally, and to take action to alleviate poverty;
2. Notes that pokies are a significant driver of poverty in South Australia and the City of Adelaide;
3. Notes that 85 per cent of problem gamblers in SA play pokies and the impact is felt not only by the individual but at least 7 other people, including partners, children, family and friends;
4. Notes that the State Government's proposal to introduce note acceptor pokie machines would contribute to problem gambling and poverty in the City of Adelaide;
5. Joins Uniting Communities and the Alliance for Gambling Reform in opposing the introduction of note acceptors in SA;
6. Requests that the Lord Mayor write to Attorney General, Vickie Chapman conveying Council's opposition.

Discussion ensued, during which with the consent of the mover, seconder and the meeting the Parts 5 of the motion were varied and an additional Part 7 was included to read as follows:

- '5. Opposes the introduction of note acceptors in SA;
7. Will not accept note acceptor pokie machines within premises owned by the City of Adelaide.'

The motion was then put and carried

Exclusion of the Public

9. Item 17.1 – Exclusion of the Public [2018/04291] [C]

For the following report of The Committee seeking consideration in confidence

14.1.1. Recommendation of The Committee in Confidence – 1/10/2019

Recommendation 1 Strategic Partnership Opportunity [s 90(3) (b), (d) & (g)]

For the following Chief Executive Officer's Reports seeking consideration in confidence

14.2.1. Strategic Procurement Matter [s 90(3) (b) & (d)]

ORDER TO EXCLUDE FOR ITEM 14.1.1:

Moved Councillor Abrahamzadeh,
Seconded by Councillor Simms -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b), (d) & (g) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.1.1 [Recommendation of The Committee in Confidence – 1/10/2019, Recommendation 1 – Strategic Partnership Opportunity] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, prejudice the commercial position of the Council.

The disclosure of information in this report could reasonably prejudice the commercial position of Council who supplied a 'commercial in confidence' proposal for evaluation by the Commonwealth government. Disclosure of commercial in confidence negotiations may adversely impact project viability, prejudice the ability to undertake/participate in future negotiations on the proposal and prejudice the Council's commercial position and opportunity for Council to participate in future like considerations or discussions.

Council has a duty of confidence to the Commonwealth and State governments in relation to the Adelaide City Deal negotiation process. It is reasonable to assume the Commonwealth and State may expect the Council maintain the confidentiality of negotiations.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in release of information prior to the finalisation of 'commercial in confidence' negotiations with the Commonwealth government. The disclosure of this information may materially and adversely affect the Council's ability to finalise the Adelaide City Deal and may prejudice Council's ability to discuss/participate or influence the proposal for the benefit of the Council and the community in this matter.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8/10/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 14.1.1 [Recommendation of The Committee in Confidence – 1/10/2019, Recommendation 1 – Strategic Partnership Opportunity] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b), (d) & (g) of the Act.

Carried

ORDER TO EXCLUDE FOR ITEM 14.2.1:

Moved Councillor Knoll,
Seconded by Councillor Abrahamzadeh -

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8/10/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 14.2.1 [Strategic Procurement Matter] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting business, prejudice the commercial position of Council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage on a third party prior to finalising contract negotiations and execution.

Public Interest

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed because it may prejudice Council's ability to discuss or influence a Proponents proposal for the benefit of Council and the community in this matter. This may limit Council's ability to negotiate and achieve the best possible outcome for Council.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 8/10/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 14.2.1 [Strategic Procurement Matter] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) & (d) of the Act.

Carried

The public and members of Corporation staff not directly involved with Items 14.1.1 & 14.2.1 left the Council Chamber at 7.23pm.

Confidential Item 14.1.1

Recommendation of The Committee in Confidence – 1/10/2019
Section 90 (3) (b), (d) & (g) of the *Local Government Act (SA) 1999*
Page 8

Confidential Item 14.2.1

Strategic Procurement Matter
Section 90 (3) (b) & (d) of the *Local Government Act (SA) 1999*
Pages 8 - 9

The Council Chamber re-opened to the public at 7.38pm.

Resolutions & Confidentiality Orders

Minute 10 - Item 14.1.1 - Recommendation of The Committee in Confidence – 1/10/2019 [C]

Recommendation 1 – Strategic Partnership Opportunity

Confidentiality Order

In accordance with Section 91(7) & (9) of the Local Government Act 1999 (SA) and because Item 14.1.1 [Confidential Recommendation of The Committee - 1/10/2019, Recommendation 1 - Strategic Partnership Opportunity] listed on the Agenda for the meeting of the Council held on 8 October 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (b), (d) & (g) of the Local Government Act 1999 (SA), this meeting of the Council do order that:

1. The resolution, the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
2. The confidentiality of the matter be reviewed in December 2020.
3. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the item for which the confidentiality order has been revoked.

Minute 11 - Item 14.2.1 - Strategic Procurement Matter [C]

Resolution & Confidentiality Order

That Council:

1. Notes the outcomes of the Best and Final Offer Evaluation Report for the procurement of 100% renewable electricity contract contained in Attachment A to Item 14.2.1 on the Agenda for the meeting of the Council held on 8 October 2019.
2. Approves the award of contract for 10 years (1 January 2020 until 31 December 2029) to Company Orange for the provision of 100% renewable electricity for the City of Adelaide's (CoA) large market, unmetered and small market electricity accounts.
3. Authorises the Chief Executive Officer, or delegate to finalise and execute the contract(s).
4. In accordance with Section 91(7) & (9) of the *Local Government Act 1999 (SA)* and because Item 14.2.1 [Strategic Procurement Matter] listed on the Agenda for the meeting of the Council held on 8 October 2019 was received, discussed and considered in confidence pursuant to Section 90(3) (b) & (d) of the *Local Government Act 1999 (SA)*, this meeting of the Council do order that:
 - 4.1. the resolution become public information and included in the Minutes of the meeting;
 - 4.2. the report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2026;
 - 4.3. The confidentiality of the matter be reviewed in December 2020.
 - 4.4. the Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the item for which the confidentiality order has been revoked.

Closure

The meeting closed at 7.38pm.

Mark Goldstone,
Chief Executive Officer

Sandy Verschoor,
Lord Mayor.